

Access to and Benefit Sharing of Genetic Resources – how to implement the Nagoya Protocol in Hungary

Transfer project in the framework of the Klaus Toepfer Fellowship Programme

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Executive summary

My transfer project aimed to support the Hungarian national implementation of ***the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.***

The Nagoya Protocol is a supplementary international treaty to the Convention on Biological Diversity (CBD) which provides a transparent legal framework for the effective implementation of the third objective of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.

Hungary is a Party to the CBD, and became also a signatory to the Nagoya Protocol (NP) in June 2011 but the ratification is still ahead of the country. After ratification the enforcement of the treaty will require certain implementing measures having adopted.

ABS is a very complex issue of the CBD. It took almost two decades for the Parties to develop and adopt a regulatory system at the international level which is supposed to support the enforcement of the ABS provisions of the CBD. Hungary latched on to the negotiation process almost at its end. In order to develop adequate national rules it is important to get a deep and comprehensive understanding of the international ABS measures.

Measures on users of genetic resources are being developed on European level. Being a Member State of the European Union, the legislative process of the EU applies to Hungary. There is a draft Regulation issued by the European Commission which sets out obligations for users of genetic resources and associated traditional knowledge, so it implements the user-compliance pillar of the Nagoya Protocol.

The current Hungarian legal system doesn't address the issue of access to genetic resources directly. To ensure the conservation and sustainable use of its unique genetic resources Hungary is planning to introduce access rules after the ratification of the Nagoya Protocol.

In my project I aimed to get a better understanding on the NP, its access, benefit-sharing and compliance measures and their relevance for the national legislation. In order to reach my aim I got acquainted with the Protocol and relevant provisions of the CBD. For this I read also through explanatory guides and studies which helped me identify the rules to be implemented. I studied a few existing national regulations and picked the rules of them which I consider

applicable in Hungary as well. Furthermore I got acquainted with the draft regulation of the European Union. I also participated in a regional capacity-building workshop where I gained additional information on the implementation of the Protocol.

The main result of my work is a study which contains a general introduction of ABS and its relevance to Hungary, a brief analysis of the NP and the draft of the European regulation with the focus on those provisions which enforcement need further national regulation. In this work I took also a closer look at existing ABS legislation of a few countries from different regions pointing out those solutions which would be applicable in Hungary as well. Furthermore the study summarizes the main findings of the study and provides for a concept and basis of the future Hungarian ABS law. It lists all the elements which need to be regulated and gives suggestions for the more detailed regulation.

Furthermore as part of the project I have been following the negotiations relating the draft Regulation of the European Union. I formulated written comments on this draft which were incorporated into the official Hungarian opinion sent to the Working Parties on International Environmental Issues of the European Union in 2013. This is another output of my project.